Agenda Item #: 3-C-11

PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS <u>AGENDA ITEM SUMMARY</u>

Meeting Date: September 9, 2014 {X} Consent { } Regular { } Workshop { } Public Hearing Department: Submitted By: Engineering & Public Works Submitted For: Roadway Production Division

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve:

- A) A First Amendment to the Annual Asphalt Milling and Resurfacing Contract (Contract), Project No. 2013052, dated March 12, 2013, with Community Asphalt Corp., R2013-0235, to extend the Contract expiration date from September 30, 2014 to September 30, 2015; and increase the amount of the Contract by \$4,000,000; and
- **B)** A First Amendment to the Annual Asphalt Milling and Resurfacing Contract (Contract), Project No. 2013052, dated March 12, 2013, with Ranger Construction Industries, Inc., R2013-0236, to extend the Contract expiration date from September 30, 2014 to September 30, 2015; and increase the amount of the Contract by \$4,000,000.

SUMMARY: Approval of these Amendments will extend the expiration dates from September 30, 2014 to September 30, 2015, and will increase the Contract amount by \$4,000,000 from \$8,110,000 to \$12,110,000. The Contract amount was previously increased from \$6,110,000 to \$8,110,000 by approval of Change Order No. 1, dated April 15, 2014, R2014-0486. Each Contract provides that the terms may be extended for a defined period of time, within a maximum contract time of 36 months. The initial Contract term was 18 months. This 12 month extension will bring the total authorized Contract time to 30 months. The original Contract amount is based on the original Contract time. As the Contract time is extended into a new budget year, the Contract amount needs to be increased. The increased Contract amount is based on estimated amounts to be expended throughout Palm Beach County by the Road & Bridge Division.

Countywide (MRE)

Background and Justification: The Contracts were approved on March 12, 2013, R2013-0235 and R2013-0236, and will expire on September 30, 2014. The contractors and Palm Beach County are desirous of extending the Contracts to September 30, 2015.

Attachments:

1. Amendment to the Annual Asphalt Milling and Resurfacing Contract with Community Asphalt Corp. (3)

2. Amendment to the Annual Asphalt Milling and Resurfacing Contract with Ranger Construction Industries, Inc. (3)

Recommended by:		Firmanily	e/26/14 WWW
	Division Director	Date	- A
Approved By:	S. T. Will	Ų ····	opolly
	County Engineer	Date	, , , , , , , , , , , , , , , , , , , ,

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II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years Capital Expenditures Operating Costs External Revenues Program Income (County) In-Kind Match (County) NET FISCAL IMPACT # ADDITIONAL FTE	$\begin{array}{c ccccccccccccccccccccccccccccccccccc$	2016 0- 0- 0- -0- -0- -0-	2017 0- -0- -0- -0- -0- -0- -0-	2018
POSITIONS (Cumulative)				
Is Item Included in Cu	urrent Budget?	Yes X	No	

Budget Account No: Various

Recommended Sources of Funds/Summary of Fiscal Impact:

	Prior Allocation	Encumbered/	NT A 11 .*	Total
	Anocation	Expended	New Allocation	Available
Airports	\$ 100,000	< 20,970>	0	\$ 79,030
Engineering Road & Bridge	\$7,000,000	<5,620,757>	4,000,000	\$5,379,243
Fire Rescue	\$ 10,000	0	0	\$ 10,000
Parks & Recreation	\$ 200,000	0	0	\$ 200,000
Water Utilities	\$ 800,000	0	0	\$ 800,000
Total	\$8,110,000	<5,641,727>	4,000,000	\$6,468,273

Allocations are a not to exceed amount and can be expended from various accounting lines for various projects where budget is available. Work is to be performed on a task order basis.

C. Departmental Fiscal Review:

III. <u>REVIEW COMMENTS</u>

A. OFMB Fiscal and/or Contract Dev. and Control Comments:

OFMB

Contract Dev. and Control

B. Approved as to Form and Legal Sufficiency:

\$28

14D

Assistant County Attorney

C. Other Department Review:

Department Director

This summary is not to be used as a basis for payment.

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FIRST AMENDMENT TO THE ANNUAL ASPHALT MILLING AND RESURFACING CONTRACT NO. 2013052 DATED MARCH 12, 2013, BY AND BETWEEN COMMUNITY ASHPALT CORP., AND PALM BEACH COUNTY

THIS FIRST AMENDMENT to the Annual Asphalt Milling and Resurfacing Contract dated March 12, 2013, (R2013-0235), hereinafter "CONTRACT" by and between Community Asphalt Corp., hereinafter "CONTRACTOR" and the Board of County Commissioners of Palm Beach County, a political subdivision of the state of Florida, hereinafter, "COUNTY".

WITNESSETH

WHEREAS, on March 12, 2013, the CONTRACTOR and COUNTY entered into an Annual Asphalt Milling and Resurfacing Contract for milling and disposal of existing asphalt pavement, maintenance of traffic, cleaning of surfaces for finish applications, and furnishing, hauling, and placement of specified asphalt courses throughout Palm Beach County; and

WHEREAS, the CONTRACT provides that the contract may be extended, at the COUNTY's option for a defined period of time, not to exceed thirty-six months total contract time, upon approval of the Board of County Commissioners; and

WHEREAS, the COUNTY wishes to extend the contract time and increase the amount of the CONTRACT; and

WHEREAS, by this amendment, the CONTRACTOR and the COUNTY mutually agree to amend the CONTRACT.

NOW, THEREFORE, in consideration of the mutual covenants, promises, and agreements herein contained, the parties agree as follows:

- 1. The above recitations are true and correct and incorporated herein.
- 2. The CONTRACT, dated March 12, 2013, between the CONTRACTOR and the COUNTY is hereby amended as follows:
 - A) Instructions to Bidders Section 2 "Nondiscrimination" is amended as follows:

The Contractor warrants and represents that all of its employees are treated equally during employment without regard to race, color, religion, disability, sex, age, national origin, ancestry, marital status, familial status, sexual orientation, gender identity and expression, or genetic information.

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- B) The Special Provisions ("Extension", Page SP-9) is amended to extend the Contract expiration date from September 30, 2014 to September 30, 2015; and
- C) The Contract (Page C-1) is amended to increase the amount of the Contract to \$12,110,000.
- 3. The Contract amount was previously increased via Change Order No. 1 dated April 15, 2014 (R2014-0486) and increased the amount of the Contract to \$8,110,000.
- 4. It is the intent of the parties hereto that this Amendment shall not become binding until the date executed by the COUNTY.
- 5. All other provisions of the Annual Asphalt Milling and Resurfacing Contract dated March 12, 2013, shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have caused this Amendment to be executed and sealed this ______ day of ______, 2014.

ATTEST: SHARON R. BOCK Clerk and Comptroller

PALM BEACH COUNTY, a Political Subdivision of the State of Florida Board of County Commissioners

By: __

Deputy Clerk

APPROVED AS TO FORM

AND LEGAL SUFFICIENCY

By: _____ Priscilla A. Taylor, Mayor

APPROVED AS TO TERMS

By:

County Attorney

ATTEST:

Bν Secretar Asst. Secretar -01

(Seal)

AND CONDITIONS

By: Engineering

COMMUNIT ontra **ć**tor

(Signature)

(Print Name and Title)

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FIRST AMENDMENT TO THE ANNUAL ASPHALT MILLING AND RESURFACING CONTRACT NO. 2013052 DATED MARCH 12, 2013, BY AND BETWEEN RANGER CONSTRUCTION INDUSTRIES, INC., AND PALM BEACH COUNTY

THIS FIRST AMENDMENT to the Annual Asphalt Milling and Resurfacing Contract dated March 12, 2013, (R2013-0236), hereinafter "CONTRACT" by and between Ranger Construction Industries, Inc., hereinafter "CONTRACTOR" and the Board of County Commissioners of Palm Beach County, a political subdivision of the state of Florida, hereinafter, "COUNTY".

WITNESSETH

WHEREAS, on March 12, 2013, the CONTRACTOR and COUNTY entered into an Annual Asphalt Milling and Resurfacing Contract for milling and disposal of existing asphalt pavement, maintenance of traffic, cleaning of surfaces for finish applications, and furnishing, hauling, and placement of specified asphalt courses throughout Palm Beach County; and

WHEREAS, the CONTRACT provides that the contract may be extended, at the COUNTY's option for a defined period of time, not to exceed thirty-six months total contract time, upon approval of the Board of County Commissioners; and

WHEREAS, the COUNTY wishes to extend the contract time and increase the amount of the CONTRACT; and

WHEREAS, by this amendment, the CONTRACTOR and the COUNTY mutually agree to amend the CONTRACT.

NOW, THEREFORE, in consideration of the mutual covenants, promises, and agreements herein contained, the parties agree as follows:

- 1. The above recitations are true and correct and incorporated herein.
- 2. The CONTRACT, dated March 12, 2013, between the CONTRACTOR and the COUNTY is hereby amended as follows:
 - A) Instructions to Bidders Section 2 "Nondiscrimination" is amended as follows:

The Contractor warrants and represents that all of its employees are treated equally during employment without regard to race, color, religion, disability, sex, age, national origin, ancestry, marital status, familial status, sexual orientation, gender identity and expression, or genetic information.

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- B) The Special Provisions ("Extension", Page SP-9) is amended to extend the Contract expiration date from September 30, 2014 to September 30, 2015; and
- C) The Contract (Page C-1) is amended to increase the amount of the Contract to \$12,110,000.
- 3. The Contract amount was previously increased via Change Order No. 1 dated April 15, 2014 (R2014-0487) and increased the amount of the Contract to \$8,110,000.
- 4. It is the intent of the parties hereto that this Amendment shall not become binding until the date executed by the COUNTY.
- 5. All other provisions of the Annual Asphalt Milling and Resurfacing Contract dated March 12, 2013, shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have caused this Amendment to be executed and sealed this ______ day of ______, 2014.

ATTEST: SHARON R. BOCK Clerk and Comptroller PALM BEACH COUNTY, a Political Subdivision of the State of Florida Board of County Commissioners

By: _

Deputy Clerk

By: _

Priscilla A. Taylor, Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

APPROVED AS TO TERMS AND CONDITIONS

By:

County Attorney

ATTEST:

Secretary or Asst. Secretary By

(Seal)

AND CONDITIONS

Engineering

RANGER CONSTRUCTION INDUSTRIES, INC.

Contractor

(Signature) Ponch S. Frank Vice Presidem

(Print Name and Title)

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By:

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